

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

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|-----------------------------|---|------------------------|
| ERIC GRIFFIN, |) | |
| |) | |
| Petitioner, |) | |
| v. |) | Civil Action |
| |) | No. 12-3315-CV-S-RED-H |
| LINDA SANDERS, ¹ |) | |
| |) | |
| Respondent. |) | |

ORDER AND JUDGMENT

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate has completed his preliminary review of the petition herein for a writ of habeas corpus and has submitted to the undersigned a report and recommendation that the petition for a writ of habeas corpus be dismissed without prejudice.

Having fully reviewed the record de novo, the Court agrees with the Magistrate that the petition should be dismissed on the grounds that petitioner's claims raised in his original petition were not properly before this Court.² Based on the file and records in this case, it is concluded that the findings of fact, conclusions of law, and proposed actions of the Magistrate are correct and

¹ The name of the current warden at the Medical Center, Linda Sanders, has been substituted for that of the former warden, Juan D. Castillo.

² Petitioner has raised new issues regarding his medical and mental health treatment, which were not the basis of his original claim for relief. He should be advised that nothing in this Order and Judgment prevents him from filing another petition for habeas corpus relief, if he chooses.

should be approved. It is therefore

ORDERED that petitioner be, and he is hereby, denied leave to proceed in forma pauperis.

It is further

ADJUDGED that the petition herein for a writ of habeas corpus be, and it is hereby, dismissed without prejudice.

/s/ Richard E. Dorr

RICHARD E. DORR

United States District Judge

Date: _____